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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/459,380	12/13/1999	PETER ALLEN HUBOI	03384.0346-0	1069
7590	08/27/2007		EXAMINER	
Docket Clerk P O Drawer 800889 Dallas, TX 75380			STORM, DONALD L	
		ART UNIT	PAPER NUMBER	
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		08/27/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/459,380	HUBOI, PETER ALLEN
	Examiner Donald L. Storm	Art Unit 2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 July 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1- 54 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-54 is/are rejected.
- 7) Claim(s) 26,42 and 43 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Informalities*

1. Claim 26 is objected to under 37 CFR 1.75(a) because the meaning of the phrase “the voice message” (line 5) needs clarification. Because no voice message was previously recited, it may be unclear as to what element this phrase refers. To further timely prosecution and evaluate prior art, the Examiner has interpreted this phase as –the voice information--.
2. Claim 42 is objected to under 37 CFR 1.75(a) because the meaning of the phrase “the voice information” (line 2) needs clarification. Because the information regarding speech and/or the voice message could each provide voice information, it may be unclear as to what element this phrase refers. To further timely prosecution and evaluate prior art, the Examiner has interpreted this phase as –the voice message--.
3. Claim 43 is objected to under 37 CFR 1.75(a) because the meaning of the phrase “the voice information” (line 2) needs clarification. Because the information regarding speech and/or the voice message could each provide voice information, it may be unclear as to what element this phrase refers. To further timely prosecution and evaluate prior art, the Examiner has interpreted this phase as –the voice message--.

### *Claim Rejections - 35 USC § 102*

#### McDonough

4. Claims 1, 4-5, 8-10, 13-17, 22-23, 28-29, 47, and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by McDonough et al. [US Patent 5,625,748] using the same rationale as in the prior Office action (mailed February 27, 2007).

***Claim Rejections - 35 USC § 103***

**McDonough and Furui**

5. Claims 2, 11, 18, 24, 30, 32, 35-37, 39-41, 43-44, 46, and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough et al. [US Patent 5,625,748] in view of Sadaoki Furui, "Digital Speech Processing, Synthesis, and Recognition," Marcel Dekker, Inc., New York, 1989, pp. 225-289 using the same rationale as in the prior Office action (mailed February 27, 2007).

**McDonough and Epstein**

6. Claims 6-7, 20-21, 26-27, and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough et al. [US Patent 5,625,748] in view of Epstein et al. [US Patent 6,327,343] using the same rationale as in the prior Office action (mailed February 27, 2007).

**McDonough and Furui and Epstein**

7. Claims 3, 12, 19, 25, 31, 33-34, 38, 42, 45, and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough et al. [US Patent 5,625,748] in view of Sadaoki Furui, "Digital Speech Processing, Synthesis, and Recognition," Marcel Dekker, Inc., New York, 1989, pp. 225-289 and further in view of Epstein et al. [US Patent 6,327,343]

***Response to Arguments***

8. The prior Office action, mailed February 27, 2007, objects to the claims, and rejects claims under 35 USC § 102 and § 103, citing McDonough and others. The Applicant's arguments and changes in AMENDMENT AND RESPONSE TO OFFICE ACTION, filed July 30, 2007, have been fully considered with the following results.

9. With respect to objection to those claims needing clarification, the amendments remove the indicated grounds of objection. Accordingly, the objections are removed. Please see new grounds of objection.

10. With respect to rejection of claims under 35 USC § 102 and § 103, citing McDonough alone and in combination, the Applicant's arguments appear to be as follows:

a. The Applicant's argument appears to be that McDonough does not associate scores with words and phrases. This argument is not persuasive because the features upon which the Applicant's argument relies are not recited in the rejected claims. As claimed, the scores are associated with the voice representations and the voice representations each correspond to a word or phrase.

b. The Applicant's argument appears to be that the Examiner has not clearly explained how McDonough's probabilistic models, with parameters, meet the claim limitation of "score" which is associated with the voice representations. This argument is not persuasive because the rejection at numbered section 15 of the prior Office action points out that McDonough's parameter values, which are associated with the models of spoken words, meet the limitation of "score". Note that this application's use of the term "score" appears only in amended claims. Throughout the body of the specification and drawings the term "value" is used to describe what is associated with the voice representations, and specifically "associated value", for example in Fig. 3, item S310. The Applicant could have found McDonough's [at column 5, lines 45-58] defining the term "events" in order to use it inclusively for words, phrases, and more in a speech recognition vocabulary, in a spoken message, and in text, which is possibly transcribed from speech. McDonough's model parameter values result from "scoring" the models' parameters with respect to the spoken training events.

c. The Applicant's argument appears to be that McDonough does not generate the appropriate total score, arguing that McDonough's confidence summation occurs without basing

the summation on or even referencing the score associated with a particular stored voice representation. This argument is not persuasive because the features upon which the Applicant's argument relies are not recited in the rejected claims. The claimed invention does not base generation of the total score on, or otherwise reference, the score associated with a particular stored voice representation.

d. With respect to Furui, the Applicant's argument appears to be that Furui does not explicitly describe the claimed subject matter that McDonough describes and that McDonough does not explicitly describe the claimed subject matter that Furui describes. Although the Examiner agrees generally that some of McDonough's teachings differ from some of Furui's teachings, this argument is not persuasive because one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. Furui, when filtered through the knowledge of one skilled in the art of speech recognition, combines with McDonough to teach or suggest all the claim elements, as enumerated in the statements of the rejections. Neither Furui nor McDonough should be read without reference to the other because the question is whether the hypothetical person of ordinary skill in the relevant art, familiar with all that the references disclose, would have found it obvious to make a structure corresponding to what is claimed.

e. With respect to Epstein, the Applicant's argument appears to be that Epstein does not explicitly describe the claimed subject matter that McDonough and Furui describe and make obvious. Although the Examiner agrees generally that some of McDonough's and Furui's teachings differ from some of Epstein's teachings, this argument is not persuasive because one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. Epstein, when filtered through the knowledge of one skilled in the art of speech recognition, combines with McDonough and Furui to teach or suggest all the claim elements, as enumerated in the statements of the rejections. None of Epstein, McDonough, or Furui should be read without reference to the others because the question is whether the

hypothetical person of ordinary skill in the relevant art, familiar with all that the references disclose, would have found it obvious to make a structure corresponding to what is claimed.

The Applicant's arguments have been fully considered but they are not persuasive. Accordingly, the rejections are maintained.

***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any response to this action may be mailed to:

**Mail Stop AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**or faxed to:**

(571) 273-8300, (please mark "EXPEDITED PROCEDURE"; for formal communications and for informal or draft communications, additionally marked "INFORMAL" or "DRAFT")

Some patent correspondence and/or fees may be submitted using the Office's electronic filing system (EFS). See the Office's Internet Web site for additional information, for example [http://www.USPTO.gov/ebc/ebc\\_faqs.htm](http://www.USPTO.gov/ebc/ebc_faqs.htm).

Some patent correspondence may be delivered by hand or delivery services, other than the USPS, addressed as follows and brought to U.S. Patent and Trademark Office, Customer Service Window, **Mail Stop AF**, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Storm, of Division 2626, whose telephone number is (571) 272-7614. The examiner can normally be reached on weekdays between 7:00 AM and 3:30 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: [ebc@uspto.gov](mailto:ebc@uspto.gov). For general information about the PAIR system, see <http://pair-direct.uspto.gov>. If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 22, 2007

/Donald L. Storm/

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Primary Patent Examiner  
Division 2626